

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

MICHAEL BOYLAND,

Plaintiff,

vs.

GREAT FALLS POLICE DEPT.,
CITY OF GREAT FALLS,
MONTANA,

Defendants.

Cause No. CV 24-88-GF-JTJ

ORDER

Plaintiff Michael Boyland (Boyland) filed a Complaint against Defendants Great Falls Police Dept. and City of Great Falls, Montana (Great Falls) in the Eighth Judicial District Court, Cascade County, which was removed to United States District Court for the District of Montana. (Doc. 1) On October 21, 2024, Great Falls filed a Motion to Dismiss (Doc. 4) Boyland's Complaint pursuant to Rule 12(b)(6) of the Montana Rules of Civil Procedure along with a brief in support. (Doc. 5)

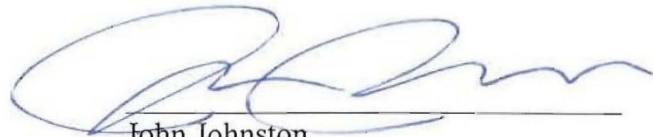
Rule 7.1(d)(1)(B)(i) of the Local Rules of the United States District Court for the District of Montana required Boyland to file a response to Great Falls' motion to dismiss within twenty-one (21) days. Boyland failed to file a response.

On November 22, 2024, Great Falls filed a reply in support of its motion. (Doc. 10) Boyland did not respond to this reply. The Court deems Boyland's continued failure to respond as an admission that Great Falls motion to dismiss is well taken. Rule 7.1(d)(1)(B)(ii) provides that Boyland's "failure to file a response brief may be deemed an admission that the motion is well taken."

Accordingly, IT IS ORDERED:

1. Great Falls Motion to Dismiss (Doc. 4) is GRANTED.
2. This action is DISMISSED WITHOUT PREJUDICE.

DATED this 5th day of December 2024.



John Johnston
United States Magistrate Judge